

REMARKS

Applicant has amended the Claim 1 and cancelled the Claim 2 without prejudice. Applicant respectfully submits that these amendments to the claims are supported by the application as originally filed and do not contain any new matter. Therefore, the Office Action will be discussed in terms of the claims as amended.

The Examiner has rejected the Claims 1-5 and 1-9 under 35 U.S.C. 102 as being anticipated by Vukosic, stating that Vukosic essentially discloses all elements of the claimed invention.

Applicant would like to first direct the Examiner's attention to the attached figures and explanations shown in the appendix to this amendment. As is clear from the explanation and figures of the appendix, Vukosic is in fact a warning beacon and the light which comes from the LED 44 is reflected off of the reflector 30 in a radial direction while the lights from the other LEDs 44 are directed upwardly through the lens 48. Clearly, the light from the allegedly rearward facing LEDs (which are in fact radiating light radially) are not reflected so as to go in the forward direction, or, in other words, in the direction of the light from the LED 44 which goes through the lens 48.

In view of the above, therefore, Applicant respectfully submits that Kawashima, et al. does not disclose each and every element of Applicant's invention and that Claims 1, 3-5, 8 and 9 are not anticipated by Vukosic.

The Examiner has further rejected the Claims 1-5, 8 and 9 under 35 U.S.C. 102 as being anticipated by Kawashima, et al., stating that Kawashima, et al. discloses all of Applicant's invention.

In reply thereto, Applicant has carefully reviewed Kawashima, et al. and respectfully submits that Kawashima, et al. discloses a display lamp which comprises an LED 41 which points forward and two other LEDs 42 and 43 which are angled in the forward direction and do not face rearward.

In view of the above, therefore, Applicant respectfully submits that Kawashima, et al. does not disclose each and every element of Applicant's claimed invention, and that the Claims 1, 3-5, 8 and 9 are not anticipated Kawashima, et al.

The Examiner next rejects the Claim 7 under 35 U.S.C. 103 as being obvious over Vukosic in view of Suckow, et al., stating that Vukosic discloses all of the claimed invention except for the cover being made of the diffusive material; Suckow, et al. teaches an LED

warning lamp assembly which includes a cover that can be made out of a translucent (diffusive) material; and it would have been obvious to one of ordinary skill in the art to have substituted a diffusive cover as taught by Suckow for the cover of Vukosic.

In reply thereto, Applicant would like to incorporate by reference his comments above concerning Applicant's invention and Vukosic. In addition, Applicant has carefully reviewed Suckow, et al., and respectfully submits that Suckow, et al. discloses a warning lamp in which the light from the LEDs is reflected off an inverted conical reflector and all of the light is projected radially. In addition, Applicant respectfully submits that while Suckow, et al. may teach that the cover may be made from a transparent or translucent material, Applicant respectfully submits that the translucent does not necessarily mean diffusion, and instead means partially transparent.


In view of the above, therefore, Applicant respectfully submits that the combination suggested by the Examiner is not Applicant's invention, and that Claim 7 is not obvious over Vukosic in view of Suckow, et al.

In view of the above, therefore, it is respectfully requested that this amendment be entered, favorably considered, and the case passed to issue.

Please charge any additional costs incurred by or in order to implement this amendment or required by any requests for extensions of time to KODA & ANDROLIA DEPOSIT ACCOUNT NO. 11-1445.

Respectfully submitted,

KODA & ANDROLIA

By: 
William L. Androlia
Reg. No. 27,177

2029 Century Park East
Suite 1140
Los Angeles, CA 90067-2983
Tel: (310) 277-1391
Fax: (310) 277-4118

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office Fax No. (703) 872-9306 on May 18, 2005.

William L. Androlia

Name

5/18/2005

Signature

Date